

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of October 20, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

#### **Claim Rejections – 35 USC § 112**

Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with written description requirement. More specifically, it was asserted that the limitation "wherein the processing is to be completed in a timely fashion in order to avoid additional costs including meal and hotel accommodation cost" is not supported within the specification. Claim 1 was also rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, it was asserted that in the above-mentioned limitation it is unclear what constitutes "timely," and the specification is silent on the matter.

Although Applicants do not agree with the rejections, the above-mentioned limitation has been deleted.

#### **Claim Rejections – 35 USC § 103**

Claims 1, 7-8, 12-13, and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application 2003/0225600 to Slivka, *et al.* (hereinafter Slivka) in view of U.S. Published Patent Application 2003/0144867 to Campbell, *et al.* (hereinafter Campbell), and further in view of non-patent literature reference Computerworld, v32n39, pp. 24; Sept. 28, 1998 to David Orenstein (hereinafter Orenstein) and non-patent literature reference "Bumping Happens, So Make it Work for You: Be Justly Compensated", National Post; July 7, 2001 to Carol Pucci (hereinafter Pucci).

Although Applicants respectfully disagree with the rejections, Applicants have amended Claim 1. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

### *Aspects of Applicants' Invention*

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method for re-accommodating passengers who are unable to travel on scheduled flights by an airline.

The method can include identifying passengers who must be re-accommodated; and for each identified passenger, obtaining passenger data and flight operations data. The passenger data can include frequent flyer status, remaining unflown ticket value, rebooking cost, passenger lifetime value to the airline, and customer relationship management data. The flight operations data can include flight schedule and seat availability on the airline and competitor airlines. The rebooking cost can include payments required to another airline and any cost of meal and hotel reimbursements. See, e.g., Specification, paragraphs [0015], [0016], and [0020].

The method also can include processing the passenger data and the flight operations data based on a set of rules; displaying re-accommodation candidates as a result of the processing; and selecting passengers for re-accommodation from the re-accommodation candidates. The set of rules can include one or more rules for arranging the identified passengers according to a descending revenue impact to the airline, arranging the identified passengers according to passenger frequent flyer status, and/or arranging the identified passengers according to a lifetime value of each passenger. See, e.g., Specification, paragraphs [0019] and [0020].

**The Claims Define Over The Prior Art**

It was asserted in the Office Action that Slivka, in paragraph [0037], discloses both the "actual fare amount", or barring that, calculating the "amount of a given segment of an itinerary" of the disrupted passenger; the limitation, "remaining unflown ticket value," read in its broadest reasonable interpretation, encompasses the value of "a given segment of an itinerary."

Paragraph [0037] of Slivka reads as follows:

*[0037] Once the flight, seat, and PNR information is collected, re-accommodation driver 111 may determine a PNR value for a disrupted passenger (Step 225). In one aspect of the invention, re-accommodation driver 111 may determine a PNR value for the disrupted passenger by invoking instructions included in rules engine 113 that, when executed by a processor, determine a PNR value based on one or more rules associated with the disrupted flight and/or passenger. For example, the PNR value may be based, in part, from an actual fare amount the disrupted passenger previously paid for the disrupted flight. Fare amounts, however, are not always easily obtainable from PNR information because they may be located in multiple locations and formats in a PNR. Moreover, fare amounts may not even be found in a PNR. Accordingly, in some instances it may be difficult to assess the exact amount of a given segment of an itinerary associated with the disrupted flight because it might be a prorated value of a larger itinerary. Furthermore, reservations received, ticketed, and/or processed from an external source may not contain any fare information. Therefore, rules engine 113 may provide a set of instructions, that when executed by a processor, determines an equitable fare amount for each booking class affected by the disrupted flight in order to determine a PNR value for each disrupted passenger.*

It can be clearly seen from the above paragraph that the "amount of a given segment of an itinerary" refers to the fare amount of the disrupted flight, which may be a segment of a larger itinerary. This is just another way of calculating the fare amount of the disrupted flight when the disrupted flight is only a segment of a larger itinerary. This

has nothing to do with the concept of "remaining unflown ticket value" in the sense of the present invention. It is noted that in paragraph [0037] of Slivka, the segment refers to the disrupted flight as a segment of a larger itinerary, not any flight after the disrupted flight, namely remaining unflown flight.

It was also asserted in the Office Action that Pucci discloses that passenger re-booking costs can include meals and hotel rooms. However, it is noted that Pucci is an article about airlines offering travel vouchers to passengers who are willing to give up their seat in an overbooking situation. Therefore, Pucci has nothing to do with re-accommodating passengers who are unable to travel on scheduled flights by an airline. In Pucci, the travel vouchers (may include meal vouchers and hotel accommodation for out-of-town customers) offered by the airline are not used for determining re-accommodation candidates, but rather to lure the passengers to give up their seats.

Regarding "a passenger lifetime value", as already discussed in the previous response, in Slivka "a determined business value of the passenger" and "an overall value of the passenger's aggregate business" refer to the business value of the passenger to a specific flight (the disrupted flight), not the passenger lifetime value to a specific airline in the sense of the present invention. It is also noted that in the present invention, the passenger lifetime value is used both as part of the passenger data and as a rule for arranging the re-accommodation candidates.

It was further asserted in the Office Action that regarding "customer relationship management data", although Slivka does not specifically disclose the words "customer relationship management data", Campbell, in at least paragraphs [0046] and [0050] does.

As already discussed in the previous responses, the purpose of the Campbell system is to make travel reservations (not limited to flight), not to make flight re-accommodations. The subject matter of Campbell is thus not analogous to the subject matter of the present invention, namely re-accommodating passengers who are unable to

travel on scheduled flights by an airline, because they are not in the same field of effort. The system of Campbell also would not be appropriate for flight re-accommodation because the Campbell system incorporates large amount of information that is not needed for flight re-accommodation and thus slows down the processing time which is critical in making flight re-accommodations. Applicants, therefore, believe that a person skilled in the art when encountering the problem of re-accommodating passengers who are unable to travel on scheduled flights would not have considered, without reading the present invention, using the customer relationship management data, which is usually a very large database, from a global reservation system to a system for re-accommodating flight passengers in a timely fashion.

It is noted that it can be commonly understood by a person skilled in the art that re-accommodating passengers who are unable to travel on scheduled flights by an airline is more time critical than a global reservation system. The importance of processing speed is thus implied in the present invention.

It is also noted that there is a commonly accepted definition of CRM, which is an information industry term for methodologies, software, and usually Internet capabilities that help an enterprise manage customer relationships in an organized way. For example, an enterprise might build a database about its customers that describes relationships in sufficient detail so that management, salespeople, people providing service, and perhaps the customer directly could access information, match customer needs with product plans and offerings, remind customers of service requirements, know what other products a customer had purchased, and so forth.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features,

Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

AKERMAN SENTERFITT

Date: December 1, 2008

/Gregory A. Nelson/  
Gregory A. Nelson, Registration No. 30,577  
Yonghong Chen, Registration No. 56,150  
Customer No. 40987  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000